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Chapter 10. Elections*

State law reference(s)--Charter to provide for registration of electors, elections, M.S.A., § 5.2073(c); Michigan election law, § 6.1001 et seq.

Sec. 10.1. Qualifications of electors.

Each person who has the constitutional qualifications of an elector in the State of Michigan, or who will have such qualifications at the next ensuing regular or special city election, shall be entitled to register as an elector of the City of Midland in the precinct in which he resides.

Sec. 10.2. Election procedure.

The general election laws of the state shall apply to and control, as near as may be, all procedures relating to registration and city elections, except as such general laws relate to political parties or partisan procedure, or require more than one (1) publication of notice, and except as otherwise provided by this charter.

Sec. 10.3. Primary election.

A nonpartisan city primary election shall be held on the date prescribed by state law for the holding of general fall primary elections. If, upon the expiration of the time for filing nomination petitions for any elective city office, petitions have been filed for no more than two (2) persons seeking nomination as candidates for any city office to be elected from the city at large or from any ward of the city at the next regular city election, then no primary election shall be held in respect to such office and the Clerk shall publish notice of such fact. The two (2) persons seeking nomination for each city office to be filled at the next city election receiving the highest number of votes at any such city primary election shall be declared the nominees for election to the respective offices for which they are candidates and their names, together with the names of persons filing petitions, or in whose behalf petitions have been filed, for offices with respect to which no primary election was held, shall be certified to the election commission to be placed upon the ballot for the next subsequent regular city election.

Sec. 10.4. Regular city elections.

Except as otherwise provided in this charter, a nonpartisan regular city election shall be held on the Tuesday following the first Monday in November in each even numbered year. At each such election there shall be elected five (5) Councilmen, one (1) by and from each ward of the city, and a Constable who shall be elected from the city at large. At the regular city election held in 1946 and every fourth year thereafter there shall be elected a Municipal Judge who shall be elected from the city at large.

Editor's note--The office of municipal judge was abolished by Act No. 154, Public Acts 1968, § 9921 et seq. (M.S.A., § 27A.9921).

Sec. 10.5. Special elections.

Special city elections shall be held when called by resolution of the Council at least twenty-one (21) days in advance of such election, or when required by this charter or the general laws of the state. Any resolution calling a special election shall set forth the purpose of such election. No more than two (2) special city elections shall be held in any one calendar year. Editor's note--Amended by Act No. 188, Public Acts 1967.

Sec. 10.6. Election commission.

An Election Commission is hereby created, consisting of the Clerk, the Mayor, and the City Attorney. The Clerk shall be chairman. The commission shall have charge of all activities and duties required of it by state law and this charter relating to the conduct of elections in the city. The compensation of election personnel shall be determined in advance by the Council. In any case where election procedure is in doubt, the Election Commission shall prescribe the procedure to be followed.

Sec. 10.7. Notice of election.

Notice of the time and place of holding any city primary or election and of the officers to be elected and the questions to be voted upon, shall, except as herein otherwise provided, be given by the Clerk in the same manner and at the same times as provided in the state election laws for the giving of notices by township clerks in state elections.

Sec. 10.8. Voting hours.

The polls of all elections shall be opened and closed at the time prescribed by law for the opening and closing of polls at state elections.

Sec. 10.9. Nomination petition.*

Editor's note--The city has advised that with regard to the filing deadline for nominating petitions for office of councilman, section 644f of Public Act 116 of the Public Acts of the State of Michigan 1954, as amended, [MCLA 168.644f; MSA 6.1644(6)], would govern over the differing deadline set forth in section 10.9 of the Charter. Accordingly, the filing deadline would be 4:00 p.m. on the seventh Tuesday prior to the primary election date.

Persons desiring to qualify as candidates for any elective office under this charter shall file an official petition therefor with the Clerk signed by not less than fifty (50) nor more than seventy-five (75) registered electors of the city in the case of officers to be elected from the city at large, or not less than twenty (20) nor more than forty (40) registered electors of the ward from which such person seeks election in the case of Councilmen, not later than 12 o'clock noon on the fourth Saturday prior to the date of the regular city primary. Official blank petitions in substantially the same form as required by state law for state and county officers, except for references to party, shall be prepared and furnished by the Clerk. Before the Clerk shall furnish nomination petitions to any person, he shall enter thereon in ink the name of the person desiring to become a candidate for office in the city, or the person in whose behalf the petition is to be circulated, and the name of the office for which he is to be a candidate. Nomination petitions for the purpose of filling a vacancy shall so state in connection with the name of the office for which the petition is to be circulated. The Clerk shall publish notice of the last day, time, and place for filing nomination petitions at least one (1) week before, and not more than three (3) weeks before, that date. No person shall sign his name to more than one (1) petition for any one office to be filled at the next regular city election. Where any name appears on more than one (1) petition for the same office, such name shall not be counted upon any petition for that office. State law reference(s)--Charter to provide for nomination of elective officers, M.S.A., § 5.2073(b); candidates for local offices, § 6.1646(l).

Sec. 10.10. Approval of petition.

The Clerk shall accept for filing only nomination petitions on official blanks containing the required number of signatures for candidates having those qualifications required for elective city officers by this charter. When petitions are filed by persons other than the person whose name appears thereon as a candidate, they may be accepted for filing only when accompanied by the written consent of the person in whose behalf the petition or petitions were circulated. The Clerk shall, within five (5) days after the final filing date, determine the sufficiency of the signatures on each petition filed, and if he finds that any petition does not contain the required number of legal signatures of registered electors, he shall immediately notify the candidate in writing of the insufficiency of his petition. Each petition which is found by the Clerk to contain the required number of signatures of registered electors for candidates shall be marked "In Order," with the date thereof, and he shall immediately so notify the candidate whose name appears thereon, in writing.

Sec. 10.11. Public inspection of petitions.

All nomination petitions shall be open to public inspection in the office of the Clerk beginning five (5) days after the final filing date for such petitions.

Sec. 10.12. Form of ballots.

The form of the ballot used in any city primary or election shall conform as nearly as may be to that prescribed by the general laws of the state, except that no party designation or emblem shall appear upon any city ballot. The names of qualified nominees for each office shall be listed in a single column and shall be rotated on the ballots. In all other respects the printing and numbering of ballots shall conform to the general laws of the state, relating to elections.

Sec. 10.13. Canvass of votes.

The Council shall be the board of canvassers to canvass the votes cast at all primaries and elections under this charter. The Council shall meet on the first Thursday after each city primary and election and publicly canvass the returns of such primary or election, and shall determine the vote upon all questions and propositions, and declare whether the same have been adopted or rejected and what persons have been nominated for election or elected at such primary or election.

Sec. 10.14. Tie vote.

If, at any city primary or election, there shall be no choice between candidates by reason of two (2) or more persons having received an equal number of votes, then the Council shall name a date for the appearance of such persons for the purpose of determining the nomination or election of such candidates by lot as provided by state law. No other method of determining nomination or election in the case of a tie shall be permitted and the result of any such determination shall be final and conclusive.

Sec. 10.15. Recount.

A recount of the votes cast at any city primary or election for any office, or upon any proposition, may be had in accordance with the general election laws of the state.

Sec. 10.16. Recall.

Any elective official may be removed from office by the electors of the city in the manner provided by the general laws of the state. A vacancy created by the recall of any elective official shall be filled in the manner prescribed by law.